



# THE ATTORNEY GENERAL OF TEXAS

GERALD C. MANN

~~XXXXXXXXXXXXXXXXXXXX~~  
ATTORNEY GENERAL

AUSTIN 11, TEXAS

April 18, 1939

Mrs. Willie O'Neal  
County Auditor  
Carson County  
Panhandle, Texas

Dear Mrs. O'Neal:

Opinion No. 0-606  
Re: Computation on words as basis  
for fees under Article 3930,  
Revised Civil Statutes of 1925

Your request for an opinion as contained in your letter of April 5, under the above opinion number assigned, has received the attention of this Department. Permit us to set forth the last portion of your letter as containing such request:

"Is there any rule by which the county can be guided as to how to compute the words where there is a mixture of words, numbers and symbols? How many words are in the first line above? How many in the second line? Should each number be counted as a word? Should each symbol be counted as a word?"

The relevant provisions of the statute to which you no doubt refer reads as follows:

"Article 3930 - Clerks of the county court shall receive the following fees: ----- Recording all papers required or permitted by law to be recorded, not otherwise provided for, including certificate and seal, for each 100 words -  
- - - \$.10 - - -"

It will be noted that throughout Chapter 2 of Title 61 of the Revised Civil Statutes, 1925, styled Fees of Office, such expression as "for each 100 words" is used, under fees enumerated to certain state, district, county, precinct officers and notaries public. Not only for recording but likewise we find such enumeration where the officers furnish copies of instruments on record or in their office; in making translated copies and for transcribing, comparing or verifying record books of office. At the earliest times such enumeration of fees was made by the Legislature, the work of

recording no doubt had to be done in longhand and which was far more difficult to transcribe, compare and verify from the records. From this, we surmise that our present day methods, whether more practical, convenient or otherwise, considering the new words and symbols which have flowed in from the fountain of popular usage and extended fields of science, should no doubt have leveled the work involved, justifying the maintenance of the rate in most instances still unchanged.

We have been unable to find any construction placed on the fee statutes by the courts which defines "words" or the field same would cover in computing words for charging such fees enumerated therein. It is necessary, therefore, that we resort to our dictionary and seek out and define this field of printed or written characters representing a thing spoken, and through conventional association with a fixed meaning, symbolizes and communicates an idea without being divisible into smaller units capable of independent use. Such language we find in Webster's New International Dictionary, unabridged, or that is to say, "the smallest unit of speech that has meaning when taken by itself; a vocable." "Word" is synonymous with "term" and "expression". It has been frequently said that usage determines words; science fixes terms and sentiment provides expressions. "Symbol" has been defined as a "figure" and "a letter or character which is significant." Bovier defines figures as numerals, and numerals are letters or characters representing numbers.

In the light of the above definition, it is our view that numbers and symbols are well included in the field of written expressions within the meaning of "words" and contemplated by the Legislature to be counted. This Department has heretofore ruled that numbers should be counted as words. Any rule that can be laid down in counting words should be one of reason, applying usage, science, and sentiment as these terms are expressed in present day written or printed common parlance.

You request our computation of the following expressions: "S. W. 1/4 Sec. 164; N. E. 1/4 Sec. 186" and "Sections 145, 146, 196, 200." Bearing in mind that the service for which words are counted include, not only recording but also transcribing, comparing, verifying and translating, we count S. W. one word and the character 1/4, one word as the entire conventional, fixed and determined meaning expressed signifies more or less one unit commonly known and expressed as "Southwest one-quarter or one-fourth or 1/4", or "S/W" or "SW 1/4". Numbers should be given as limited interpretation

in counting as possible, or in other words, this would be the numerical quantity they represent if briefly spoken. The figures 164 convey the idea or fixed unit of one, sixty, four, thereby counted as three words. Following this interpretation, we count twelve (12) words in each of the above group or twelve words per line as in your letter.

Though it be hardly possible to clearly lay down a well defined rule to follow, in view of what has been said in response to your request, it is the opinion of this Department that in counting words, symbols and numbers for computing fees to be collected for recording; for translating, transcribing and verifying instruments, documents, records and papers, a rule of reason should be invoked wherein usage, science and sentiment as these terms are expressed in present day written or printed common parlance would be applied.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By s/Wm. J.R. King  
Wm. J. R. King  
Assistant

WJRK:LM:wc

APPROVED:  
s/Gerald C. Mann  
ATTORNEY GENERAL OF TEXAS